

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MORGAN FULLER,

4 Plaintiff

Case No. 2:19-cv-00671-RFB-BNW

ORDER

5 v.

6 UNITED STATES OF AMERICA,

7 Defendant
8

9 **I. DISCUSSION**

10 On April 18, 2019, Plaintiff, a prisoner in the custody of the Nevada Department of
11 Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed
12 an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On April 26, 2019, this
13 Court issued an order denying the application as incomplete and directed Plaintiff to file
14 a fully complete application to proceed *in forma pauperis* or pay the full filing fee within
15 30 days from the date of that order. (ECF No. 3). Plaintiff subsequently filed two
16 applications to proceed *in forma pauperis* with properly executed financial certificates.
17 (ECF Nos. 5, 6). However, Plaintiff has not filed an inmate account statement for the past
18 six months. As such, these applications are also incomplete.

19 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
20 application to proceed *in forma pauperis* and attach both an inmate account statement
21 for the past six months and a properly executed financial certificate. Plaintiff has not
22 submitted an inmate account statement for the past six months. (See ECF Nos. 5, 6).
23 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until
24 the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final
25 opportunity to cure the deficiencies of his application to proceed *in forma pauperis* by
26 filing an inmate account statement for the past six months, or in the alternative, pay the
27 full filing fee for this action. If Plaintiff fails to file an inmate account statement for the past
28 six months, the Court will recommend dismissal of the case in its entirety, without

1 prejudice, to file a new case when Plaintiff is able to acquire the necessary documents to
2 file a complete application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
6 as the document entitled information and instructions for filing an *in forma pauperis*
7 application.

8 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
9 Plaintiff will either: (1) file an inmate account statement for the past six months in
10 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
11 (which includes the \$350 filing fee and the \$50 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
13 statement for the past six months, the Court will recommend dismissal of the case, without
14 prejudice, for Plaintiff to file a new case when he is able to acquire the necessary
15 documents to file a complete application to proceed *in forma pauperis*.

16
17 DATED: June 10, 2019

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19 UNITED STATES MAGISTRATE JUDGE